

### **REMARKS/ARGUMENTS**

The present amendment is in response to the final Office Action mailed April 6, 2004, in which Claims 1 through 10 and 13 through 25 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

Claims 1, 2, 3, 4, 7, 10, 15, 24 and 25 are amended herein. Claim 13 is newly-cancelled, rendering Claims 11, 12 and 13 cancelled. Accordingly, Claims 1 through 10 and 14 through 25 remain pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

### **CLAIM REJECTIONS – 35 U.S.C. SECTION 112**

With respect to Paragraphs 1, 2 and 3 of the Office Action, the Examiner rejected Claims 3 and 10 under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that Claim 3 depends from itself and Claim 10 has the language "preferably ..." which is identified as being indefinite.

Both rejected claims have been amended herein for clarification. The dependency of Claim 3 has been changed from "3" to --1--. The word "preferably" and associated text has been cancelled.

Applicants respectfully submit that the Examiner's rejections under 35 U.S.C. Section 112 are now overcome. Reconsideration and withdrawal of these rejections are respectfully requested.

#### **CLAIM REJECTIONS – 35 U.S.C. SECTION 103(a)**

With respect to Paragraph 5 of the Office Action, the Examiner rejected Claims 1 through 10 and 13 through 25 under 35 U.S.C. Section 103(a) as being unpatentable over EP 669,365 (hereinafter referred to as "EP '365").

With respect to Paragraph 6 of the Office Action, the Examiner rejected Claims 1 through 10 and 14 through 25 under 35 U.S.C. Section 103(a) as being unpatentable over Middlesworth *et al.* (hereinafter referred to as "Middlesworth *et al.*").

With respect to the rejection under EP '365, the Examiner acknowledged that the reference example shows the mica in alcohol, but maintains that the art is not limited to this process and is open to other mica species. Related to the question of mica type, the Examiner states that the examples show many different mica species and the mica of reference example is only used in a few working examples. With respect to dry grinding, the Examiner noted that many of the claims presented are not limited to dry ground mica.

With respect to the rejection under Middlesworth *et al.*, the Examiner stated that Applicants' previous argument that this reference is remote because it does not deal with laser marking or polypropylene films was not persuasive because the claims rejected were not limited to laser marking in any way. Further, the Examiner stated that polypropylene films are suggested at col. 7, lines 25 - 30.

Applicants respectfully traverse these rejections.

Independent Claims 1, 24 and 25 have been amended herein for clarification by (1) specifying that the silicate is dry-ground and (2) that the film is at least 85% by weight polypropylenes. Independent Claim 1 was further amended to specify that the film was "laser markable." Applicants respectfully submit that there is no teaching or suggestion in the cited art of the film or its method of production as presently claimed.

Specifically, there is no teaching or suggestion in the art of using a dry-ground mica *without* a metal coat as defined in the independent claims. The claims of the present invention as currently presented further render the invention as being unobvious in that they now define the film as being at least 85% by weight polypropylene, a film composition - taken together with the other present limitations - which is no-where taught or suggested in the prior art. This is true even when the reference to Middlesworth *et al.* is considered. This reference does teach the use of polypropylene as part of a blend of the specified m-polyolefins, but teaches *against* the use of polypropylene as the larger - or singular - component:

"Any blend should preferably contain a majority of m-polyethylene as the polyolefin component, specifically greater than 50 weight percent, preferably greater than 60 weight percent, more preferably greater than 70 percent, based on the total weight of the polyolefin." (Middlesworth *et al.*, col. 7, lines 38-42)

As specified by the independent claims as currently presented, the film is at least 85% by weight polypropylene. (This change finds support in the specification as originally filed, page 1, lines 26 and 27, through page 2, lines 1 and 2.)

Accordingly, Applicants respectfully submit that the independent claims as currently presented are non-obvious and are allowable over the art of record. Insofar as the independent claims are believed to be allowable over the art of record, Applicants further respectfully submit that the pending dependent claims are likewise allowable over the art of record.

Applicants respectfully submit that the Examiner's rejections under 35 U.S.C. Section 103 are now overcome. Reconsideration and withdrawal of these rejections are respectfully requested.

### **CONCLUSION**

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 248-433-7552 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

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Amdt. Dated: June 7, 2004  
Reply to Office action of April 6, 2004

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas T. Moga', written in a cursive style.

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